

MONTANA LEGISLATIVE HISTORY

Chapter 543 19 89

Bill H _____ S 314 Original bill & history ✓ C

H. Committee on Judiciary

Hearing Date(s) March ✓ C

_____ C

_____ C

_____ C

Date Out March ✓ C

S. Committee on Judiciary

Hearing Date(s) Feb 07 ✓ C

Feb 08 ✓ C

_____ C

_____ C

Feb 08 ✓ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

Note: A Conference Committee was appointed. Its minutes were not recorded.

SENATE FINAL STATUS

SB 313 INTRODUCED BY MAZUREK ALLOW DEFICIENCY JUDGMENTS IN SOME TRUST INDENTURE FORECLOSURE ACTIONS

2/02	INTRODUCED		
2/02	REFERRED TO BUSINESS & INDUSTRY		
2/14	HEARING		
2/17	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	43	1
2/21	3RD READING PASSED	49	1
	TRANSMITTED TO HOUSE		
2/22	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
3/08	HEARING		
3/14	COMMITTEE REPORT--BILL CONCURRED		
3/28	2ND READING NOT CONCURRED	66	30
3/28	MOTION FAILED TO RECONSIDER PREVIOUS ACTION	34	60

SB 314 INTRODUCED BY REGAN, ET AL. PROHIBIT DISCRIMINATION BY PRIVATE CLUBS

2/02	INTRODUCED		
2/02	REFERRED TO BUSINESS & INDUSTRY		
2/03	REREFERRED TO JUDICIARY		
2/07	HEARING		
2/09	COMMITTEE REPORT--BILL PASSED		
2/11	2ND READING PASSED	31	12
2/14	3RD READING PASSED	34	14
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO JUDICIARY		
3/01	HEARING		
3/01	COMMITTEE REPORT--BILL CONCURRED		
3/04	2ND READING CONCURRED AS AMENDED	50	28
3/07	3RD READING CONCURRED	56	40
	RETURNED TO SENATE WITH AMENDMENTS		
3/11	2ND READING AMENDMENTS NOT CONCURRED	23	16
3/27	CONFERENCE COMMITTEE REPORT NO. 1		
3/30	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	2
4/01	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	37	11
	HOUSE		
3/16	CONFERENCE COMMITTEE APPOINTED		
3/23	CONFERENCE COMMITTEE REPORT NO. 1		
3/30	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	71	24
3/31	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	64	34
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/10	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 543 EFFECTIVE DATE:	4/14/89	

SENATE BILL NO. 314

INTRODUCED BY REGAN, NATHE, BLAYLOCK, ECK,
B. BROWN, HALLIGAN, HAGER, PINSONEAULT, VAUGHN,
JACOBSON, FARRELL, ANDERSON, JERGESON, MANNING, MAZUREK

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
FEBRUARY 3, 1989	ON MOTION, REREFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 34; NOES, 14.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 1, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 56; NOES, 40.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 11, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

MARCH 14, 1989

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

MARCH 16, 1989

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 27, 1989

CONFERENCE COMMITTEE REPORTED.

MARCH 30, 1989

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

MARCH 31, 1989

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 1, 1989

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *314*
 2 INTRODUCED BY *Bo S Brown* NATH- *Blaylock* *Ed*
 3 *James Anderson* *Hager* *Richard Manning*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING

5 DISCRIMINATION BY PRIVATE CLUBS; EXCLUDING FRATERNAL
 6 ORGANIZATIONS FROM THE DEFINITION OF "PUBLIC ACCOMMODATION";
 7 REVISING THE DEFINITION OF "PUBLIC ACCOMMODATION" TO
 8 PROHIBIT DISCRIMINATION BY ENTITIES THAT ARE NOT DISTINCTLY
 9 PRIVATE; ESTABLISHING CRITERIA FOR DISTINCTLY PRIVATE
 10 CATEGORIZATION; PROHIBITING DISCRIMINATION BY ALCOHOL
 11 LICENSEES; PROHIBITING THE ISSUANCE AND RENEWAL OF ALCOHOL
 12 LICENSES TO ENTITIES THAT DISCRIMINATE; AMENDING SECTIONS
 13 49-2-101, 49-2-304, AND 49-3-204, MCA; AND PROVIDING AN
 14 IMMEDIATE EFFECTIVE DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 49-2-101, MCA, is amended to read:

18 "49-2-101. Definitions. As used in this chapter,
 19 unless the context requires otherwise, the following
 20 definitions apply:

21 (1) "Age" means number of years since birth. It does
 22 not mean level of maturity or ability to handle
 23 responsibility. These latter criteria may represent
 24 legitimate considerations as reasonable grounds for
 25 discrimination without reference to age.

1 (2) "Commission" means the commission for human rights
 2 provided for in 2-15-1706.

3 (3) "Credit" means the right granted by a creditor to
 4 a person to defer payment of a debt, to incur debt and defer
 5 its payment, or to purchase property or services and defer
 6 payment therefor. It includes without limitation the right
 7 to incur and defer debt which is secured by residential real
 8 property.

9 (4) "Credit transaction" means any invitation to apply
 10 for credit, application for credit, extension of credit, or
 11 credit sale.

12 (5) "Creditor" means a person who, regularly or as a
 13 part of his business, arranges for the extension of credit
 14 for which the payment of a financial charge or interest is
 15 required, whether in connection with loans, sale of property
 16 or services, or otherwise.

17 (6) "Educational institution" means a public or
 18 private institution and includes an academy; college;
 19 elementary or secondary school; extension course;
 20 kindergarten; nursery; school system; university; business,
 21 nursing, professional, secretarial, technical, or vocational
 22 school; or agent of an educational institution.

23 (7) "Employee" means any individual employed by an
 24 employer.

25 (8) "Employer" means an employer of one or more

1 persons but does not include a fraternal, charitable, or
 2 religious association or corporation if the association or
 3 corporation is not organized either for private profit or to
 4 provide accommodations or services that are available on a
 5 nonmembership basis.

6 (9) "Employment agency" means a person undertaking to
 7 procure employees or opportunities to work.

8 (10) "Financial institution" means a commercial bank,
 9 trust company, savings bank, finance company, savings and
 10 loan association, investment company, or insurance company.

11 (11) "Housing accommodation" means a building or
 12 portion of a building, whether constructed or to be
 13 constructed, which is or will be used as the sleeping
 14 quarters of its occupants.

15 (12) "Labor organization" means an organization or an
 16 agent of an organization organized for the purpose, in whole
 17 or in part, of collective bargaining, of dealing with
 18 employers concerning grievances or terms or conditions of
 19 employment, or of other mutual aid and protection of
 20 employees.

21 (13) "Mental handicap" means any mental disability
 22 resulting in subaverage intellectual functioning or impaired
 23 social competence.

24 (14) "National origin" means ancestry.

25 (15) "Person" means one or more individuals, labor

1 unions, partnerships, associations, corporations, legal
 2 representatives, mutual companies, joint-stock companies,
 3 trusts, unincorporated employees' associations, employers,
 4 employment agencies, or labor organizations.

5 (16) "Physical handicap" means a physical disability,
 6 infirmity, malformation, or disfigurement which is caused by
 7 bodily injury, birth defect, or illness, including epilepsy.
 8 It includes without limitation any degree of paralysis;
 9 amputation; lack of physical coordination; blindness or
 10 visual impediment; deafness or hearing impediment; muteness
 11 or speech impediment; or physical reliance on a guide dog
 12 for the blind, a wheelchair, or any other remedial appliance
 13 or device.

14 (17) (a) "Public accommodation" means a place which
 15 caters or offers its services, goods, or facilities to the
 16 general public subject only to the conditions and
 17 limitations established by law and applicable to all persons
 18 alike. It includes without limitation a public inn,
 19 restaurant, eating house, hotel, roadhouse, place where food
 20 or alcoholic beverages or malt liquors are sold for
 21 consumption, motel, soda fountain, soft drink parlor,
 22 tavern, nightclub, trailer park, resort, campground,
 23 barbershop, beauty parlor, bathroom, resthouse, theater,
 24 swimming pool, skating rink, golf course, cafe, ice cream
 25 parlor, transportation company, or hospital and all other

public amusement and business establishments.

(b) Public accommodation does not include an institution, club, or place of accommodation that proves that it is by its nature distinctly private. An institution, club, or place of accommodation may not be considered by its nature distinctly private if it has more than 100 members, provides regular meal service, and regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages, directly or indirectly, from or on behalf of nonmembers, for the furtherance of trade or business. For the purposes of this subsection (17), any lodge of a recognized national fraternal organization is considered by its nature distinctly private.

(18) "Staff" or "commission staff" means the staff of the commission for human rights."

Section 2. Section 49-2-304, MCA, is amended to read:

"49-2-304. Discrimination in public accommodations.

(1) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, agent, or employee of a public accommodation:

{1}{a} to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privileges because of sex, race, age, physical or mental handicap, creed, religion, color, or national origin;

{2}{b} to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or denied to a person of a certain race, creed, religion, sex, age, physical or mental handicap, color, or national origin.

(2) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for a licensee under Title 16, chapter 4, to exclude from its membership or from its services, goods, facilities, advantages, privileges, or accommodations any individual on the grounds of race, color, religion, creed, sex, age, physical or mental handicap, or national origin. This subsection does not apply to any lodge of a recognized national fraternal organization."

Section 3. Section 49-3-204, MCA, is amended to read:

"49-3-204. Licensing. (1) No A state or local governmental agency may not grant, deny, or revoke the license or charter of a person on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin. Each state or local governmental agency shall take such appropriate action in the exercise of its licensing or regulatory power as will assure equal treatment of all

persons, eliminate discrimination, and enforce compliance with the policy of this chapter.

(2) The state may not issue or renew a license under Title 16, chapter 4, to an applicant or licensee that excludes from its membership or from its goods, services, facilities, privileges, or advantages any individual on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin. This subsection does not apply to any lodge of a recognized national fraternal organization."

NEW SECTION. Section 4. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

-End-

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By, Chairman Bruce D. Crippen on February 7, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop, Senators Tom Beck, Bob Brown, John Harp, Mike Halligan, Loren Jenkins, Joe Mazurek, R. J. Pinsoneault and Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: None

HEARING ON SENATE BILL 314

Presentation and Opening Statement by Sponsor: Senator Pat Regan of Billings, District 47, opened the hearing saying the bill addressed a problem which she was appalled to bring before the committee. She said that, 25 years after laws had been enacted for equal rights for women, there were still groups which denied access to women. Montana's equal dignity act contains a provision stating that both men and women have the same rights in business and clubs. She said it is inappropriate that some clubs have private liquor licenses, yet don't allow access to women. This bill would deny those clubs liquor licenses. She stated that it was copied after a New York law. She said there might be challenges to the law, and she felt there could be clubs with a valid claim to having men only. However, there were instances when professional and business women needed to have access to private clubs and should be on an equal status with men. She announced that Valencia Lane had drafted the bill and could answer any questions for the committee.

List of Testifying Proponents and What Group they Represent:

Brenda Nordlund, Montana Womens' Lobby

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Brenda Nordlund testified that women should be treated without discrimination. She is a lawyer and her practice does not require her to belong to clubs of this nature; but, she said there are women who do and who are virtually excluded from these clubs. The Montana Club in Helena has not excluded women since 1979. Before that, they were allowed to belong as wives of members, but now they are allowed to have full memberships. She said the bill was not directed to Eagles, Elks or other fraternal organizations, but to country clubs and to other private clubs. She urged passage of the bill.

Questions From Committee Members: Senator Mazurek asked why the bill didn't include fraternal organizations. Senator Regan said those were usually smaller in nature. She said this bill is addressing country clubs where professionals can take a client as part of the business activity. The bill seeks equal access.

Senator Mazurek asked why the bill asked for an immediate effective date. Senator Regan said that, after 25 years, why wait any longer.

Senator Beck asked how big was the problem. Senator Regan said that in Yellowstone County there were 5 country clubs of which 3 were open to women having full memberships. Two were closed to women. In fact, she said, one club refused to come into the city for fear the city would enact an ordinance against discrimination.

Senator Mazurek said that the Green Meadow Country Club in Helena has restrictions against junior members. He asked if the bill would allow that.

Ann McIntyre of the Human Rights Division said there are reasonable exemptions. The statute (49-2-402) says that the term "reasonable" is to be narrowly construed. She thought golf clubs might not use age for restriction, but could use handicap instead.

Senator Crippen said that, in a recent case that the commission had with the Yellowstone Country Club, the commission found that they were in violation of the Human Rights act pertaining to women. Where would you find a situation where there were "reasonable" exclusion of women, he asked.

Ann McIntyre said there have been cases that have been defined "reasonable" based on "privacy" i.e. if there was only one locker room.

Senator Crippen asked if the main remedy was the removal of the all-purpose liquor license. Ms. McIntyre said there were 2 primary remedial provisions. In the Human Rights Act, there is a remedies provision act (49-2-506) which allows an injunction asking that the discrimination cease. The other remedy was to take away the liquor license, she said.

Senator Crippen asked if the club could become a "bottle" club if their license was removed. Ms. McIntyre didn't know.

Senator Crippen said that some clubs have provisions where 2 or more members could "blackball" a person to prevent them from coming into the club. He asked if this bill would make that club in violation of law. Ms. McIntyre didn't believe it would. However, if it could be demonstrated that there was a pattern to exclude people on the basis of sex, race, religion etc., it could constitute a violation.

Closing by Sponsor: Senator Regan closed the hearing.

HEARING ON SENATE BILL 312

Presentation and Opening Statement by Sponsor: Senator R. J. "Dick" Pinsoneault of St. Ignatius, District 27, opened

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-7-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS			
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

Amendments and Votes: Senator Harp MOVED that, on page 2, line 1, following "of", strike language that would amend the bill to make it exactly like CI 30. The MOTION CARRIED by a vote of 9 to 1 with Senator Yellowtail voting NO.

Senator Mazurek MOVED an amendment on p. 2, lines 13 and 14, after "damages", to strike "actual economic loss for bodily injury" saying you could recover more than \$250,000; it would take a 2/3 vote of both Houses. The MOTION CARRIED on a vote of 7 to 3, with Senators Beck, Harp and Crippen voting NO.

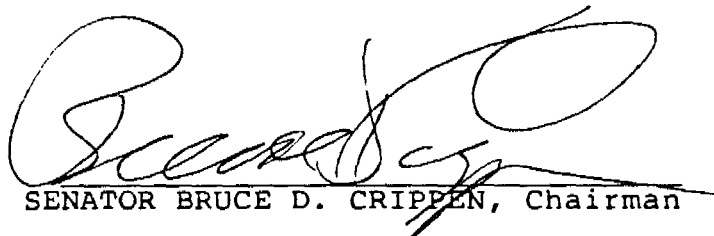
Recommendation and Vote: Senator Pinsoneault MOVED that Senate Bill 312 DO PASS AS AMENDED. The MOTION CARRIED on a vote of 6 to 4 with Senators Bishop, Halligan, Mazurek and Yellowtail voting NO.

DISPOSITION OF SENATE BILL 314

Recommendation and Vote: Senator Brown MOVED that Senate Bill 314 DO PASS. The MOTION CARRIED by a vote of 9 to 1 with Senator Crippen voting NO.

ADJOURNMENT

Adjournment At: 11:45 a.m.



SENATOR BRUCE D. CRIPPEN, Chairman

BDC/rj

minrj.208

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-8-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		✗
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

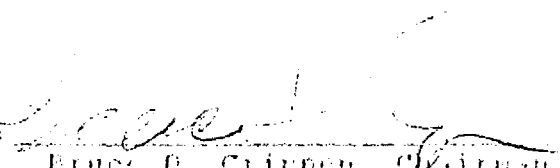
SENATE STANDING COMMITTEE REPORT

February 8, 1969

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 314 (first reading copy -- white), respectfully report that SB 314 do pass.

DO PASS

Signed: 

Bruce D. Clieppon, Chairman

41.0
219189
12:34
12:41

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

1

Date 2-8-89 Senate Bill No. 314 Time 12 noon

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓

9. to 1

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Brown Moved To Pass/Passed 9 to 1

Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Sen. Regan closed.

DISPOSITION OF SENATE BILL 38

Motion: Rep. Wyatt moved SB 38 BE CONCURRED IN. Rep. Addy seconded the motion.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the motion and CARRIED with a unanimous vote.

Motion: Rep. Addy moved SB 66 BE CONCURRED IN. Rep. Eudaily seconded the motion.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The motion SB 66 BE CONCURRED IN CARRIED with Rep. Hannah voting No.

HEARING ON SENATE BILL 314

Presentation and Opening Statement by Sponsor:

Sen. Regan opened the hearing saying that it's somewhat ironic that we are celebrating our centennial and for 25 years we've had a new constitution which prohibits discrimination and yet we find country clubs in Montana that prohibit membership by women. In today's world women have entered the professions in business and yet they are being denied access to a facility where businesses are transactions. Many corporations by memberships for their executives and when it comes to a woman, you can't buy the membership because she can't get in the club. This bill is patterned after a New York ordinance which was challenged and withstood that challenge in the U.S. Supreme Court. So, the bill has been proven to be a workable solution. Instead of depending on the Human Rights Commission or judicial review in the court, a better thing to do is to have the state refuse a liquor license to a club that discriminates.

Testifying Proponents and Who They Represent:

Brenda Nordlund, Montana Womens Lobby
Ann MacIntyre, Administrator of Human Rights Division

Proponent Testimony:

Brenda Nordlund told the committee there are three reasons why SB 314 should be passed. First, we have a constitutional

mandate. Contrary to what our founding fathers said, some truths are not self-evident. While it's true in the State of Montana that we have a prohibition against discrimination on the basis of sex, it's evident that that proscription alone is not enough to insure that discrimination on the basis of sex will no longer continue. Women are denied business and social opportunities because they are denied membership to country clubs. Women should be allowed the access that men are allowed. There is no public benefit derived from continued exclusion of women from clubs.

Ann MacIntyre said SB 314 would provide some important clarifications to the existing public accommodations provisions of the Human Rights Act. Cases have been filed with the commission in the past over the issues of country clubs.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

Rep. Addy asked if there is an immediate effective date on passage and approval. Sen. Regan said yes that would be appropriate. Discrimination should not be allowed to continue.

Rep. Rice asked why fraternal organizations are exempt from the provision pertaining to liquor licenses. Sen. Regan responded that where there is a demonstrated need to knock down a barrier, it should take place. However, there are fraternal organizations and there is the right of free association. This bill is narrowly drawn to allow admission into something that really is a public club.

Rep. Addy asked why there is a difference between a country club and a fraternal organization. He said virtually every Elks club in the state has a bar that is open to the public and most of them have a restaurant and that is not a fraternal function, it too is commerce. Why should they be excluded? Sen. Regan said she was trying to be reasonable in drafting the bill. She said it is not her intent to invade the Lions, Elks, Moose and other such clubs, it is simply addressing clubs of 100 or more.

Rep. Brown said he has a concern given all the DUI laws and other strong measures of that regard, it seems entirely possible that we'll be in a prohibition situation which would mean without a liquor license they could discriminate, right? Sen. Regan said without a liquor license they are pretty

much out of business.

Closing by Sponsor: Sen. Regan closed.

DISPOSITION ON SENATE BILL 314

Motion: Rep. Brooke moved SB 314 BE CONCURRED IN, motion seconded by Rep. Wyatt.

Discussion: Rep. Aafedt commented that if there was a club in Great Falls that didn't want him as a member, he wouldn't want to be a member. There was brief discussion regarding whether fraternal organizations should be excluded from the bill. The consensus was to leave the bill as it is written, excluding fraternal organizations with less than 100 members.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the motion and CARRIED unanimously.

HEARING ON SENATE BILL 66

Presentation and Opening Statement by Sponsor:

Sen. Jacobson opened the hearing saying that SB 66 was introduced at the request of the Montana Education Association due to some concerns they had in Missoula. It had been the practice around the state to allow people who work with children who are going to be interviewed in an abuse case to allow a school personnel representative to be at the interview. This was mostly for the comfort of the child who doesn't usually know the rest of the abuse team. There was an Attorney General's opinion in April of 1987 saying that school staff members would not be allowed to be at the interviews because they were not specifically named in the laws. This bill is a permissive bill to allow, when it's appropriate, for the social worker, the county attorney or the peace officer conducting the interview to allow school personnel to be there.

Testifying Proponents and Who They Represent:

Toni Niklas, Montana Education Association
Gail Graham, Office of Public Instruction
John Madsen, Department of Family Services

Proponent Testimony:

Toni Niklas spoke in favor of SB 66 on behalf of the Montana Education Association (See EXHIBIT 2). Ms. Niklas also presented a letter of written testimony from Linda Zimmerman, a school psychologist for Missoula School District #1 (EXHIBIT 3). She also provided a copy of the

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date MARCH 1, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

March 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 314 (first reading reference copy -- blue) be
concurrent in .

Signed: _____
Dave Brown, Chairman

[REP. BROOKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

JUDICIARY

BILL NO. SENATE BILL 314

DATE MARCH 1, 1989

SPONSOR SENATOR REGAN

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.